

KNI-152-A**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Fujimoto et al.	Group Art Unit:	1775
Serial Number:	09/857,382	Examiner:	Piziali, Andrew T
35 USC 371(e) date:	23 July 2001	Confirmation No.:	4726
International Appln.	PCT/JP99/06675	Intl. Filing Date:	30 November 1999
Title:	HYDROPHILIC MEMBER		

FURTHER RESPONSE TO
NOTIFICATION OF DEFECTIVE RESPONSE

Mail Stop PCT
 Commissioner For Patents
 PO Box 1450
 Alexandria, VA 22313-1450

Sir:

In further response to the Notification Of Defective Response, dated 18 October 2004, applicant further responds as follows.

DISCUSSION OF PROCEDURAL BACKGROUND

1. On 27 July 2004 the US Patent & Trademark Office (PTO) issued a Decision on Request & Notification Regarding Defective Declaration (hereinafter "Decision"), in which the PTO granted applicant's "Third Request for 'Updated' Filing Receipt", but also informed applicant that the earlier filed declarations in the application were "defective" because not all seven inventors signed the same declaration (instead some of the inventors signed one declaration and the rest of the inventors signed a second declaration). Additionally, the Decision informed applicant that the earlier Notice of Acceptance of Application issued by the PTO was erroneously mailed due to the defective declarations, and that applicant would shortly be receiving a Notification of Defective Response from the PTO giving applicant a non-extendable deadline for submitting an appropriate declaration under 37 CFR 1.497(a) and (b) including all seven inventors signatures.
2. Upon receipt of the PTO's Decision, applicant promptly had all seven inventors sign a new declaration appropriate under 37 CFR 1.497(a) and (b) and submitted same to the PTO on 20

September 2004, together with a document entitled "Transmittal of Declaration" via First Class Mail. See attached copies of the Declaration, the Transmittal and a copy of a postcard receipt showing that the PTO actually received the Declaration and Transmittal on 23 September 2004.

3. On 18 October 2004 the PTO issued a Withdrawal of Previously Sent Notice and a Notification of Defective Response informing applicant that the earlier filed declarations, none of which included all of the inventors signatures thereon, were defective for reasons set forth in the PTO Decision of 27 July 2004. The Notification of Defective Response set a non-extendable one month deadline for applicant to submit a proper Declaration.
4. When applicant's representative received such Withdrawal of Previously Sent Notice and Notification of Defective Response, it was apparent that the PTO personnel (Ms. Charitta A. Burt) which issued these documents had not received and/or considered the new Declaration received by the PTO on 23 September, and applicant's representative immediately telephonically contacted Ms. Burt and informed her of the situation. Ms. Burt indicated that she would order the file, investigate the matter and get back to applicant's representative.
5. Over the next two weeks, applicant's representative left several telephonic messages for Ms. Burt requesting an update on the situation given the urgency created by the non-extendable one month deadline for applicant to submit a proper Declaration, and on 05 November 2004 Ms. Burt informed applicant's representative that the Declaration submitted by applicant and received by the PTO on 23 September 2004 was not in the file, and requested applicant's representative to submit another copy of same via facsimile to # (703) 746-6704.
6. On 05 November 2004, Applicant's representative promptly submitted (via facsimile) another copy of the Declaration, as well as a copy of the Transmittal of Declaration, previously submitted on 20 September 2004, together with a copy of the postcard receipt showing that the PTO received the original documents on 23 September 2004.
7. On 09 November 2004, applicant's representative attempted to telephonically contact Ms. Burt to determine if the PTO had received the documents submitted by facsimile on 05

November 2004, but received a recording indicating that Ms. Burt would be out of the office until 15 November 2004, whereupon applicant's representative telephonically contacted Ms. Burt's supervisor who recommended that a formal response be submitted to the Notification of Defective Response by the one-month deadline set forth therein.

8. Correspondingly, applicant encloses herewith another copy of the required Declaration under 37 CFR §1.497(a) and (b), together with another copy of the Transmittal of Declaration, previously submitted on 20 September 2004, and another copy of the postcard receipt showing that the PTO received the original documents on 23 September 2004.

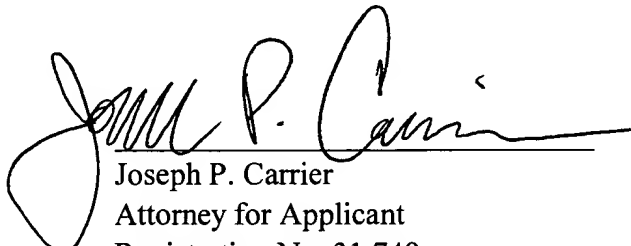
REMARKS

It is believed that the Declaration which applicant has now submitted to the PTO three (3) times, and which includes the signatures of all seven inventors and specifically identifies International Appln. PCT/JP99/06675 from which the present application claims priority as the US National Phase of same, complies with 37 CFR 1.497(a), (b) and is fully responsive to the Notification of Defective Response dated 18 October 2004.

Favorable consideration is requested

Respectfully submitted,

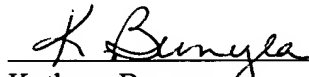
Customer Number 21828
Carrier, Blackman & Associates, P.C.
24101 Novi Road, Suite 100
Novi, Michigan 48375
09 November 2004



Joseph P. Carrier
Attorney for Applicant
Registration No. 31,748
(248) 344-4422

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Mail Stop PCT, Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450 on 09 November 2004.

Dated: 09 November 2004
JPC/kb
enclosures



Kathryn Bunyea

KNI-152-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fujimoto et al.
Serial Number: 09/857,382
Filed: 23 July 2001
Group Art Unit: 1775
Examiner: Piziali, Andrew T
Confirmation No.: 4726
Title: HYDROPHILIC MEMBER

TRANSMITTAL OF DECLARATION

Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

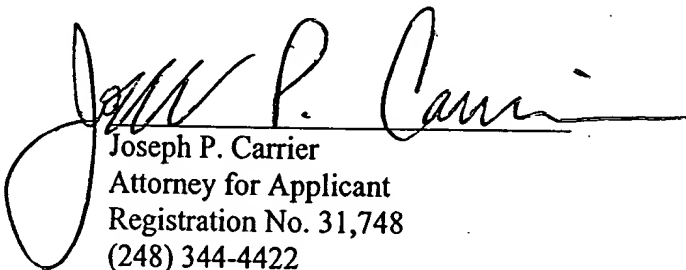
Sir:

In response to the 27 July 2004 communication from the U.S. Patent And Trademark Office, applicant encloses the required Declaration Under 37 CFR 1.63. Please note that the enclosed Declaration has been signed and dated by all seven (7) inventors.

Favorable consideration is respectfully requested.

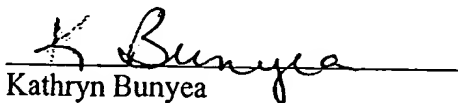
Respectfully submitted,

Customer Number 21828
Carrier, Blackman & Associates, P.C.
24101 Novi Road, Suite 100
Novi, Michigan 48375
20 September 2004


Joseph P. Carrier
Attorney for Applicant
Registration No. 31,748
(248) 344-4422

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Commissioner For Patents, Washington, D.C. 20231 on 20 September 2004.

Dated: 20 September 2004
JPC/kb
enclosures

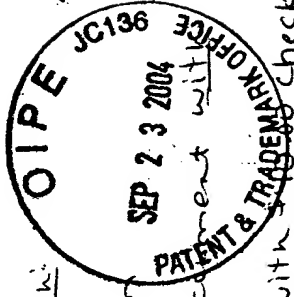

Kathryn Bunyea

Applicant: Fujimoto et al.
Serial No. 09/857,382

Docket KNI-152-A
for: Hydrophilic Member

Please date stamp and return this card to acknowledge receipt of:

- Transmittal of Declaration with:
 - Certificate of Mailing
 - Original signed Declaration
- Transmittal of Assignment Document with:
 - Certificate of Mailing
 - Recordation Form Cover Sheet with ~~stamp~~ check for required fee
- Original signed Assignment Document



Mailed 1st class on 20 Sept 2004. RLB